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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Shahrokh Shahidzadeh

Examiner: Unknown

Serial No.: 10/876,178

Art Unit: 2624

Filed: 08/30/03

FOR: EVENT SIGNATURE APPARATUS, SYSTEMS,
AND METHODS

Attorney Docket No.:
INTEL-3 (28338-00003)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE

I hereby certify that these papers are being transmitted to the Patent and Trademark Office, Attn: Mail Stop Petition, at facsimile number (571) 273-8300 on March 25, 2008.


Doreen Day

Items enclosed herewith:

1. Request for Reconsideration of Petition to Revoke Under 37 C.F.R. 1.137(b)
2. Copy of Petition to Revoke Under 37 C.F.R. 1.137(b) (Appendix A)
3. Copy of Dismissal of Petition (Appendix B)
4. Copy of Supplemental Statement from Schwegman, Lundberg, Woessner & Kluft, P.A. (Appendix C)

FROM

(TUE) MAR 25 2008 9:27/ST. 9:27/NO. 6302335909 P 1

FROM

(TUE) MAR 25 2008 9:27/ST. 9:27/NO. 6302335909 P 2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Shahrokh Shahidzadeh

Examiner: Unknown

Serial No.: 10/676,178

Art Unit: 2624

Filed: 09/30/03

For: EVENT SIGNATURE APPARATUS, SYSTEMS,
AND METHODS

Attorney Docket No.:
INTEL-3 (28336-00003)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF
PETITION TO REVIVE UNDER 37 C.F.R. 1.137(b)

Dear Sirs:

The applicant of the above-referenced application hereby submits a Request to Reconsider the dismissal of the petition to revive the unintentionally abandoned application under 37 C.F.R. 1.137(b).

CERTIFICATE OF FACSIMILE

I hereby certify that these papers are being transmitted to The Patent and Trademark Office by facsimile number (571) 273-8300 on March 25, 2008.

David R. King

David R. King
Green Day

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STATEMENT OF FACTS

On January 9, 2007, Mark V. Muller of Schweggman, Lundberg, Woessner & Kluth, P.A. filed a Petition Request for Withdrawal as Attorney or Agent and Change of Correspondence Address with the United States Patent and Trademark Office (USPTO) for application 10/676,178 on behalf of applicant Shahrokh Shahidzadeh. The Petition requested withdrawal of Mr. Muller and other attorneys/agents of record and a change of correspondence address for the application to J.T. Kalmay of McDonald Hopkins LLC. On February 23, 2007, before approval of the above mentioned Petition, the USPTO issued a Final Office Action on the application. Since the Petition was not yet approved, the Office Action was mailed to Schweggman, Lundberg, Woessner & Kluth, P.A. The Request to Withdraw was approved on June 25, 2007. However, the Change of Correspondence Address was not approved. The Final Office Action was not received by J. T. Kalmay of McDonald Hopkins LLC until October 5, 2007, after the application had gone abandoned for failure to response to the Office Action.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional. The previously filed Petition (Appendix A) included a reply to the outstanding office action and a check for the petition fee under 37 C.F.R. 1.17(m).

The previously filed Petition was dismissed (Appendix B) because it lacked a statement that the entire delay in filing the required reply was unintentional. This request includes the original statement and, as suggested in the dismissal, a supplemental statement from Schweggman, Lundberg, Woessner & Kluth, P.A. (Appendix C). Applicant therefore respectfully asserts that the petition is now complete and that the application is in condition for revival.

FROM

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Therefore, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional. Additional statements concerning the unintentional nature of the abandonment are provided in Appendix C.

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REQUEST FOR ACTION

In view of the foregoing, the undersigned attorney submits that the abandonment of the above-referenced application was unintentional. Accordingly, it is respectfully requested that this petition to revive the above referenced application be granted.

Pursuant to the previously submitted Power of Attorney, please direct all future correspondence on this matter to the undersigned attorney.

Respectfully submitted,

Date 3-25-08


John T. Kainay, Reg. No. 46,916
(216) 308-3246

Kraguljac & Kainay LLC
4700 Rockside Road
Summit One, Suite 510
Independence, OH 44131

FROM

(TUE)MAR 25 2008 9:28/ST. 9:27/NO. 6302335909 P 6

APPENDIX A

PAGE 6/16 * RCVD AT 3/25/2008 10:25:52 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-4/21 * DNIS:2738300 * CSID:12165035401 * DURATION (mm-ss):03-12

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MAR 25 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of:
Shahrokh Shahzadeh

Examiner: Teng, Son M.

Serial No.: 10/676,178

Art Unit: 2612

Filed: 9/30/03

For: Event Signature Apparatus,
Systems, and Methods

Date of Last Office Action:
February 23, 2007

Attorney Docket No.: 28336-00603

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22315-1450

PETITION TO REVIVE UNDER 37 C.F.R. 1.137(b)

Dear Sir:

The applicant of the above referenced application hereby submits a petition to revive the unintentionally abandoned application under 37 C.F.R. § 1.137(b). The entire delay in filing the required reply from the due date for the reply until the filing of a graceable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Included with this Petition is a reply to the outstanding office action and a check for the petition fee under 37 C.F.R. § 1.17(c). Please charge any additional fees or underpayments to Deposit Account 13-0265. The reply to the outstanding office action is included in the form of a Notice of Appeal and a check for the appeal fee set forth in 37 C.F.R. § 41.26(b)(1). Please charge any additional fees or underpayments to Deposit Account 13-0255. Also included is a Power of Attorney pursuant to 37 C.F.R. § 1.32.

(1307723)

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SUMMARY OF FACTS

On January 9, 2007, Mark V. Muller of Schweggman, Lundberg, Woessner & Klutin, P.A. filed a Petition Request for Withdrawal as Attorney or Agent and Change of Correspondence Address with the United States Patent and Trademark Office (USPTO) for application 10/576,178 on behalf of applicant Shatrolit Shatrolitach. The Petition requested withdrawal of Mr. Muller and other attorneys/agents of record and a change of correspondence address for the application to J.T. Kalnay of McDonald Hopkins LLC. On February 23, 2007, before approval of the above mentioned Petition, the USPTO issued a Final Office Action on the application. Since the Petition was not yet approved, the Office Action was mailed to Schweggman, Lundberg, Woessner & Klutin, P.A. The Request to Withdraw was approved on June 25, 2007. However, the Change of Correspondence Address was not approved. The Final Office Action was not received by J.T. Kalnay of McDonald Hopkins LLC until October 5, 2007, after the application has gone abandoned for failure to respond to the Office Action.

Therefore, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

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(TUE) MAR 25 2008 9:28/ST. 9:27/NO. 6302335909 P 9

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REQUEST FOR ACTION

In view of the foregoing, the undersigned attorney certifies that the abandonment of the above referenced application was unintentional. Accordingly, it is respectfully requested that this petition to revive the above referenced application be granted.

Pursuant to the enclosed Power of Attorney, please direct all future correspondence on this matter to the undersigned attorney.

Respectfully submitted,

Date: 03.10.2007

By: [Signature]

John T. Kalney (Reg. No. 46,516)
(216) 346-5844
McDonald Hopkins LLC
600 Superior Avenue E.
Suite 2100
Cleveland, Ohio 44114-2663

(KCT75)

3

FROM

(TUE)MAR 25 2008 9:29/ST. 9:27/NO. 6302335909 P 10

APPENDIX B

PAGE 10/16 * RCVD AT 3/25/2008 10:25:52 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-4/21 * DNIS:2738300 * CSID:12165035401 * DURATION (mm-ss):03-12

FROM

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UNITED STATES PATENT AND TRADEMARK OFFICE

80107.845US1

Communications by Patent
United States Patent and Trademark Office
P.O. Box 1400
Alexandria, VA 22304-1400
www.uspto.gov

John T. Kelley
c/o INTELLIVATE, LLC
P.O. Box 52050
Minneapolis, MN 55402

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In re Application of
Shahbaz Shahrokh et al
Application No. 10/576,178
Filed: September 30, 2003
Attorney Docket No. P16299

ON PETITION

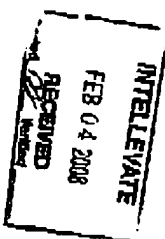
This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 12, 2007, to revive the above-identified application.

The petition is **DENIED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Revived Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 35 U.S.C. § 704.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 20, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.206(b)(2), an amendment thereto, *in part* place the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.116), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(G)(IX)(2).

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(c); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.206(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR



Application No. 10676,178

Page 2

1.137 was unintentional, the Director may require additional information. See MPEP 711.03(e)(1)(C) and (D). The instant petition lacks a proper item (3).

The record indicates that Schweigman, Lundberg, Woessner & Kluft, P.A. was responsible for prosecution of the application when the reply necessary to avoid abandonment was due. Therefore, petitioner must provide a statement from Schweigman, Lundberg, Woessner & Kluft, explaining why action was not timely taken to prevent the application from becoming abandoned.

Petitioner is advised to send a letter (accompanied by a copy of this decision) to Schweigman, Lundberg, Woessner & Kluft, P.A. at P. O. Box 2918, Minneapolis MN, 55402, by certified or registered mail (return receipt requested) indicating that the U.S. Patent and Trademark Office (USPTO) is requesting assistance in ascertaining the cause of abandonment of the above.

Identified application, and that the USPTO is requesting that Schweigman, Lundberg, Woessner, & Kluft, P.A. provide within a specified period (e.g., one month) a statement setting forth why appropriate action was not timely taken to prevent the application from becoming abandoned. Petitioner is advised that, in the event that Schweigman, Lundberg, Woessner, & Kluft, P.A. does not provide such a statement, petitioner should submit a copy of such letter and a copy of the return receipt.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:

Mail Stop PETITION

Commissioner for Patents

P. O. Box 1456

Alexandria, VA 22313-1450

By hand:

U. S. Patent and Trademark Office

Customer Service Window, Mail Stop Petitioners

Randolph Building

401 Dulany Street

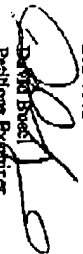
Alexandria, VA 22314

The centralized facsimile number is (571) 273-4300.

Telephone inquiries concerning this decision should be directed to William K. Page at (571) 272-0902.

FROM .

(TUE)MAR 25 2008 9:29/ST. 9:27/NO. 6302335909 P 13

Application No. 10/616,178
Page 3
Telephone inquiries concerning this decision should be directed to Chairman K. Page at (571)
272-0960.

David B. Reed
Petitions Examiner
Office of Petitions

FROM

(TUE)MAR 25 2008 9:29/ST. 9:27/NO. 6302335909 P 14

APPENDIX C

PAGE 14/16 * RCVD AT 3/25/2008 10:25:52 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-4/21 * DNIS:2738300 * CSID:12165035401 * DURATION (mm-ss):03-12

SCHWEGMAN ■ LUNDBERG ■ WOESSNER
Intellectual Property Attorneys

PATENT PROTECTION FOR HIGH TECHNOLOGY

March 5, 2008

Mr. John T. Kalnay
Kraguljac & Kalnay, LLC
4700 Rockside Road
Summit One, Suite 310
Independence, OH 44131

Dear Mr. Kalnay,

In response to your letter of February 26, 2008, here is a statement setting forth why Schweggman, Lundberg, Woessner & Kruh, P.A. ("SLWK") did not act to prevent the application associated with U.S. Patent Serial Number 10/675,178 (the "Application") from becoming abandoned:

1. SLWK received a copy of the Decision on Petition to Withdraw from Record (the "Decision"), mailed to us by the Patent Office on June 25, 2007. This Decision was made in response to the Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (the "Request") that SLWK filed on January 9, 2007 to withdraw as attorneys of record in this matter, and to change the correspondence address.
2. The Decision indicated that the Request was approved in part by the Patent Office. That is, withdrawal was approved, while changing the correspondence address was not. Nevertheless, the Patent Office indicated in the Decision that further communications would be sent to the first-named signing inventor of record.
3. In addition, the Decision itself noted that copies of the Decision were sent to the first-named signing inventor of record, as well as to the firm of McDonald Hopkins, Co. LLP, which SLWK understood to be the new counsel of record.
4. The Decision also noted the existence of an outstanding office action for this matter, with a mailing date of February 23, 2007. Thus, a response could be timely filed (with extensions) by the new counsel of record up until August 23, 2007 - roughly two months after the mailing date of the Decision.

A Professional Association
1000 TUP Tower, 1211 Sixteenth Street, Washington, MN 55402
Telephone: (612) 333-6700 Fax: (612) 333-6761 Web Site: www.slw.com

FROM

(TUE) MAR 25 2008 9:30/ST. 9:27/NO. 6302335909 P 16

SCHWEGMAN ■ LUNDBERG ■ WOESSNER

Intellectual Property Attorneys

PATENT PROTECTION FOR HIGH TECHNOLOGY

5. Given that the Patent Office approved the withdrawal of SLWK in response to the Request, that a copy of the Decision was sent to another law firm, and that there was almost two months left to respond to the outstanding office action, SLWK believed that the other law firm would be handling the outstanding response. Therefore, SLWK had no intention that prosecution of the Application should be abandoned.

6. Since the Decision indicated no further correspondence from the Patent Office would be sent to SLWK, the file for the Application at SLWK was closed, and no further action was taken.

Please let us know if you need any further information.

Sincerely,

Mark V. Muller

Mark V. Muller

A Patent and Trademark
1400 City Tower, 121 South High Street, Akron, OH 44316
Telephone: (616) 733-9800 Fax: (616) 396-9001 Website: www.slw.com